

BIENNIAL MESSAGE  
OF  
GEORGE W. CLARKE  
GOVERNOR OF IOWA  
TO THE  
Thirty-Sixth General Assembly

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JANUARY, 1915

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DES MOINES  
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## GOVERNOR'S MESSAGE

*To the Senate and House of Representatives of the Thirty-sixth General Assembly:*

In accordance with the mandate of the Constitution I submit to you the following message:

Many of the reports of the various departments and officers of the State are now ready and will soon be placed on your desks. I think all will be within a reasonable time. The Constitution makes it my duty to communicate to you "the condition of the State." These reports will outline it to you in a very full and complete way and much more clearly than it would be possible for me to do without extending this message far beyond a reasonable length. I, however, make them a part hereof by reference and urge upon you a careful study of them because in no other way can you get a clear understanding of conditions and what the State is doing and in no other way can you so well qualify yourselves for an intelligent, satisfactory discharge of your duties in this particular field. You will find some things to criticize. It would be very strange if you did not; but in very many ways you will be disarmed of criticism.

I have deemed it best, however, to present to you as clearly as I can the financial condition of the State. This, first of all, you must know, because you cannot proceed intelligently as to the business affairs of the State until you do.

First of all there are balances left over from appropriations heretofore made, many of them some years ago for specific purposes which have been carried out. These balances ought to be transferred to the general fund, charged off the Treasurer's books as unexpended balances of appropriations, and the accounts closed. You should pass a bill authorizing this to be done.

They are:

Dam at Okoboji .....	\$ 1,000.00
Executive Council, extraordinary repair .....	168.00
Executive Council, improvement Capitol grounds .....	852.00
Executive Council, storage house .....	221.00
Executive Council, new boilers .....	2,562.00
Executive Council, decorating offices .....	1,074.00
Executive Council, repairs to elevators .....	1,500.00
Executive Council, watchman's clock .....	485.00

Gray uniforms .....	890.00
Soldiers' and Sailors' Monument .....	3,195.00
Monument at Vicksburg .....	6,964.00
Monument at Keokuk .....	550.00
Providential contingent fund .....	25,000.00
Publishing Acts General Assembly .....	1,300.00
Retrenchment and Reform Engineers .....	1,000.00
Sale of Camp Grounds .....	4,218.00
Sale of State Square .....	158.00
Statue of James Harlan .....	500.00
Statue of Samuel J. Kirkwood .....	2,740.00

\$64,179.00

The taxable value of all property subject to general levies for State and county purposes is \$926,900,092. The amount of monies and credits returned is \$250,218,117. The State receives approximately one-sixteenth of the tax levied on this sum. The State millage levies do not apply to monies and credits. These valuations it may be assumed will be closely approximated for the next biennium and will enable you to determine the revenue that will be derived at present levies.

The estimated receipts of general revenue for the last six months of the present biennium ending June 30th, 1915, including cash on hand January 1st, 1915, is:

	\$2,980,079.51
Estimated disbursements for same period...	\$2,250,000.00
To this may be added extraordinary appropriations of former legislatures undrawn, December 31, 1914 .....	375,013.00
	\$ 2,625,013.00
Leaving estimated balance on hand June 30, 1915 .....	355,066.51
The estimated receipts of general revenue for biennium beginning July 1, 1915 .....	19,078,000.00
Total revenue for the biennium .....	\$19,433,066.51
Estimated expenditures for biennial period ending July 1, 1917 .....	\$ 9,477,017.46
	\$ 9,956,049.05

From this statement it is easily discovered that after providing for the estimated expenditures there will only remain for additional purposes \$956,049.05 and that these additional purposes must be kept within that sum unless you provide for additional revenue. The State has been conducting its general revenue affairs upon the

theory that no more should be taken from the people than is actually necessary to meet the expenditures to be cared for by this fund—upon the sound theory that a large surplus meant over-taxation. Good business, however, demands a reasonable surplus and this would not be a violation of the theory. The legislature, therefore, in fixing the amount of revenue to be raised, and it has sole authority in this matter, has held the fund down to the very lowest point possible to meet the needs of a rapidly developing State under modern conditions and ideals. If, therefore, the General Assembly creates large needs and demands and does not authorize a fund commensurate with them, the administrators of affairs are put to the utmost of their ingenuity in management to keep within the limit set for them.

I desire to call your attention here to the fact that the 34th General Assembly in Chapter 201 provided for the levy annually for five years of one-fifth of a mill each for the State University and the State Agricultural College and one-tenth of a mill for the Teacher's College "for the purpose of providing for the erection, repair, improvement and equipment of such necessary buildings as shall be determined upon by the State Board of Education." The 35th General Assembly in Chapter 17 provided for the levy annually for five years of a special tax of one half mill for the institutions under the Board of Control "for the purpose of providing for the erection and improvement of buildings, for appurtenances and connections, district custodial farm, State colony for Epileptics and for the purchase of land and for the purpose of establishing and maintaining industries at any or all of said institutions." These levies will provide for the educational institutions \$463,450.00 annually and the same amount annually for the Board of Control. Heretofore appropriations have been made for these institutions and not provided for out of the millage tax. Appropriations are always charged to the general revenue and deplete it when the expense should be cared for by the millage tax. You should see to it that all allowances made to these institutions for any of the purposes mentioned in the Statutes referred to be charged to the millage fund.

It has been suggested (and I am not sure but that the suggestion is a good one) that a better method of administering all of these institutions would be to provide entirely for them by a millage fund carried into the State Treasury and disbursed from it under your supervision and enactment after full hearings and in-



vestigations as to needs. Then every taxpayer would know exactly what he was paying for these purposes; but he cannot know where he pays through appropriations. Then the State levy could be reduced far, far below the present rate. Indeed, the State would be almost if not quite self-supporting. I believe this is a matter well worth your consideration from the standpoint of good management and business efficiency. An institution that subsists on appropriations, it has been said, dies every two years, and it does. Whereas if it has a fixed millage fund it knows exactly what can be depended upon and can plan for the future with absolute certainty.

The millage levies before referred to were fixed by the last General Assembly, based upon the taxable value of property as it then existed and as it was doubtless presumed would continue. Nobody knew at that time it would not. In view of the increased valuation you should reduce the millage levies proportionately.

#### EDUCATIONAL INSTITUTIONS.

Our State educational institutions should have liberal support. The greatness of a State must, in the last analysis, be measured by the intelligence and moral force and purpose of its people. There is no path of progress except along the line of investigation and research. The world is a constant revelation from every possible angle of study. It challenges eternal consideration and denies possibility of being exhausted. It is infinite and an inspirer of growth and ideals. Intelligence elevates the standards of life and of living. Ignorance stagnates, debases. Ignorance and selfishness halt progress and stand in the way of the great things of life. Ignorance and selfishness consider not the future. They have no ideals. There can be no illumination of the mind where they are enthroned. It is, therefore, of the very first importance that a State improve and elevate her citizenship through education. There can be no distinction otherwise.

A modern, fully equipped, up-to-date institution of learning requires resources of money in considerable sums. What is just as much required is wisdom, judgment and foresight in the expenditures. The tendency is to prodigality, which is coarse and should be condemned. The substantial, solid building of a State or the life of a people lies not in the excessive display or expenditure of money but in that moderation and discriminating care which is commendable in an individual. You should inform yourselves just

as fully as possible as to what these and all other institutions with which you have to do are doing. You should know what they are, what provision has already been made for them, what they ask for and what they ought to have. Then your allowances should be within the means at your disposal. You should not guess at these things. Your duties cannot be performed without the most painstaking care and study. Each one of you should set about this business as if it were his own individual business, not, however, in the spirit of parsimony, but as a man of large vision to put his affairs on a sound basis shaped for satisfactory and great results. To aid you and save you a great amount of work I have, with the help of the Secretary of The Board of Education, outlined as best I could so that you may see at a glance exactly the present situation as to each one of these institutions. I invite your careful study of the following statements:

#### STATE UNIVERSITY OF IOWA.

The total enrollment of students in all of the collegiate departments of the State University for the academic year of 1908-1909, excluding duplicates, was 2,202. If to this number those enrolled in the two schools for nurses and in the summer school were added, the total enrollment for that year excluding duplicates, was 2,472. These numbers were not reached again until 1913-1914, when the corresponding enrollments were 2,345 and 2,669 respectively. On November 20, 1914, the attendance in the several collegiate departments was 2,365, while the total enrollment, including the School for Nurses and the summer session, was 2,771.

The General Assembly as a rule has heretofore provided for annual appropriations for her educational institutions of higher learning, that is to say, they are continuing fixed amounts from year to year until changed. In addition to these annuals, special appropriations are made from time to time for specific purposes.

The amount now provided for the University by way of an annual appropriation is .....	\$ 522,200.00
In addition to this is an estimated income on Endowment and other funds of .....	23,000.00
From fees, tuition, etc. (not including laboratory fees) estimated at .....	60,000.00
Special appropriations, 1914-1915 (expires June 30 1915) ....	72,500.00
The Thirty-fourth General Assembly authorized a one-fifth mill tax for building and other purposes for five years which is estimated at .....	180,000.00

Making a present standing income of .....\$ 857,700.00

The Board of Education is asking of you additional continuing annual appropriations—

For educational support .....	\$ 122,600.00
For summer school .....	8,000.00
For repair and contingent fund .....	5,000.00
For extension work .....	16,000.00
For department of buildings and grounds .....	12,000.00

In addition the Board recommends the following appropriations for the special purposes named, for each of the two years of the biennium:

For equipment and supplies .....	\$ 7,500.00
For equipment of buildings and buildings partially equipped .....	25,000.00
Purchase of land .....	15,000.00
For paving, cement walks and care of grounds .....	5,000.00
For heating plant equipment .....	9,000.00
For tunnel .....	3,000.00
For electrical equipment .....	5,000.00

Making a grand total for the University if you approve of present conditions and recommendations, and deducting the special of \$72,500.00 that expires June 30, 1915, of approximately .....

#### STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

An examination of the records reveals that in all departments of the College for the academic year there was enrolled in 1908-1909, not including duplicates, 1,835 students; and if to this is added those who attended the winter Short Courses, the total, not including duplicates, was 2,631. These numbers were not equalled until the year 1912-1913, when the enrollments were 2,034 and 2,882 respectively. In 1913-1914 the enrollment during the academic year was 2,459, while the attendance in the Winter Short Courses and the Summer School made the total 3,458. November 20, 1914, the regular enrollment was 2,542 and the 1914 Summer School 618.

The annual continuing appropriations for the college are \$427,900.00, consisting of:

For support .....	\$ 270,000.00
For contingent and repair .....	36,000.00
For engineer, experiment station .....	10,000.00
For agricultural experiment station .....	30,000.00
For support of experiment station .....	25,000.00
For agricultural extension work .....	42,000.00
For good roads experimentation .....	10,000.00
For library .....	4,900.00

\$ 427,900.00

To this may be added by way of showing the fixed annual income of the institution the following derived from the special one-half mill tax, enacted by the last general assembly, for each of the two years beginning January 1st, 1914, and ending December 31, 1915, for the following purposes:

For collegiate support .....	\$ 125,000.00
For agricultural extension .....	48,000.00
For agricultural experiment station .....	57,000.00
For agricultural one year and two year non-collegiate courses .....	12,500.00
For trade school and engineering extension .....	25,000.00
For engineering experiment station .....	5,000.00
For veterinary practitioners course .....	5,000.00
For veterinary investigations .....	10,000.00
For contingent and repair .....	10,000.00
For the support of two and four year courses in home economics for home-makers and teachers .....	20,000.00
For equipment of department and buildings .....	40,000.00
For maintenance and support public grounds .....	10,000.00
For enlargement of buildings .....	10,000.00
	\$ 377,500.00

#### Additional incomes:

Interest on endowment and other funds .....	35,000.00
Fees, tuitions, etc. (not including laboratory fees) .....	46,000.00
From United States Government .....	90,000.00
	\$ 171,000.00

#### One-fifth millage tax provided by the Thirty-fourth General Assembly for building and other purposes (estimated) .....

Assembly for building and other purposes (estimated) .....	\$ 180,000.00
Making a standing annual income of .....	\$1,156,400.00

To be added to this, if you grant the request of the Board of Education, are the following continual appropriations:

For educational support .....	\$ 125,000.00
For summer school .....	10,000.00
For sub-collegiate courses in home economics, agriculture and trade schools .....	16,500.00
For engineering experiment station .....	5,000.00
For agricultural experiment station .....	25,000.00
For agricultural and home economics extension .....	26,625.00
For engineering extension .....	7,500.00
For veterinary investigations .....	5,000.00

In addition to the above annually hereafter appropriations the State Board of Education is recommending the following Specials for each of the two years of the coming biennium:

For additional equipment and furnishings for buildings and departments .....	15,000.00
For extension of heating system and equipment of heating plant .....	19,800.00



For repairs and improvements of dairy building, old agricultural hall and barn, and temporary provision for fruit storage .....	4,000.00
For temporary provision for home economics laboratory .....	750.00
For enlargement of buildings and additional small buildings .....	10,000.00
For equipment and furnishing of chemistry building .....	25,000.00
For equipment for science building .....	2,500.00
For settling and storage water tank .....	7,500.00
It is estimated that for each of the two years of the biennium that there will be additional income of .....	18,625.00

Making a grand total, if you are satisfied with present appropriations and approve the recommendations of the State Board of Education, of .....\$1,480,200.00

#### IOWA STATE TEACHERS COLLEGE.

The State Teachers College has annual continuing appropriations of .....	\$ 221,750.00
A 1-10 millage tax (building) estimated at .....	90,000.00
Fees, tuitions, etc. (not including laboratory fees) .....	15,000.00

Making a fixed income of .....\$ 326,750.00

The board recommends that annual appropriations be increased .....\$ 66,200.00

Special appropriations for each year of the biennium .....\$ 8,300.00

Making a total income of .....\$ 401,250.00

A summarization of all increased appropriations asked by the State Board of Education, after deducting all special appropriations which expire June 30, 1915, shows the amount to be .....\$ 530,875.00

If you act favorably upon the recommendations of the State Board of Education, the total (estimated) income of the three state institutions of higher learning from all sources for each of the academic years of 1915-16 and 1916-17, will be .....\$2,593,750.00

#### INSTITUTIONS UNDER BOARD OF CONTROL.

There are sixteen institutions under the management of the Board of Control. Because of their number it is hardly practicable in a communication of this kind to take up and analyze the situation of each one as I have endeavored to do in the case of the educational institutions. It is your duty to study carefully the report of the Board and of the executive officer of each institution. So far as I have been able to learn the management has been capable and wise throughout.

I submit herewith a statement showing exactly what each institution asks and what it wants the money for. Please note such

items as should be included under the millage levies, both here and as to the askings of the Board of Education, and if you grant them let it be out of the millage levies and not by appropriations.

#### THE REFORMATORY, ANAMOSA, IOWA.

Ice house to replace old one .....	\$ 1,000.00
Stable, stone .....	820.00
Fire proofing floors, ceilings and roofs of laundry, shoe shop, machine shop and engine room .....	5,000.00
Transportation of prisoners .....	1,500.00
Repairs to steam plant, motors, pipes and tunnels .....	1,000.00
Salaries of foremen and trade instructors and teachers in school .....	22,000.00
Contingent and repair .....	6,000.00
Oculist and dental .....	1,500.00
Total .....	\$ 38,820.00

#### CHEROKEE STATE HOSPITAL.

Mechanical stokers for six boilers .....	\$ 7,000.00
Reconstructing cold storage plant .....	2,000.00
New floors .....	1,000.00
Pictures, library books, newspapers and periodicals .....	500.00
Contingent and repair .....	10,000.00
Improvement of water supply .....	1,000.00
Railroad switch .....	25,000.00
	\$ 46,500.00

#### CLARINDA STATE HOSPITAL.

Laundry and equipment .....	\$ 25,000.00
Contingent and repair .....	12,000.00
Books, periodicals and binding .....	500.00
Material for concrete bridges .....	1,000.00
	\$ 38,500.00

#### SCHOOL FOR THE DEAF, COUNCIL BLUFFS, IOWA.

Tools and machinery for Industrial Schools .....	\$ 500.00
Books, periodicals and binding .....	500.00
Contingent and repair .....	4,000.00
	\$ 5,000.00

#### SOLDIERS' ORPHANS' HOME, DAVENPORT, IOWA.

Dental work .....	\$ 1,000.00
Re-setting boilers, Nos. 1 and 2 .....	800.00
Contingent and extraordinary repairs .....	6,000.00
	\$ 7,800.00

## INDUSTRIAL SCHOOL FOR BOYS, ELDORA, IOWA.

Oculist, aurist and dental work .....	\$ 2,000.00
Contingent and repair .....	10,000.00
Sanitary toilet and equipment .....	1,000.00
Deep well and equipment .....	2,000.00
Machinery and tools and machine shop .....	500.00
Paints and painting supplies .....	1,000.00
Placing and returning paroled boys .....	800.00
Lectures, entertainments and amusements .....	500.00
Athletic fund and rewards of merit .....	300.00
Chaplain fund .....	250.00
Library books and periodicals .....	300.00
Agricultural implements and vehicles .....	500.00
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Band instruments and supplies .....	\$ 19,150.00
	300.00
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	\$ 19,450.00

## STATE PENITENTIARY, FT. MADISON.

Fences for state farm .....	\$ 500.00
Contingent and repair .....	6,000.00
Deep well for farm (as we now have to haul water from the prison) .....	2,000.00
Oculist and dental .....	1,500.00
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	\$ 10,000.00

## STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN, GLENWOOD.

Addition to west wing Administration building .....	\$ 10,000.00
Beds and bedding .....	2,000.00
Furniture and furnishings .....	2,000.00
Paints and painting .....	3,000.00
Contingent and repair .....	12,000.00
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	\$ 29,000.00

## INDEPENDENCE STATE HOSPITAL.

Paints and painting .....	\$ 1,000.00
Fencing .....	1,000.00
Contingent and repair .....	15,000.00
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	\$ 17,000.00

## STATE HOSPITAL FOR INEBRIATES, KNOXVILLE.

Sewage disposal .....	\$ 5,000.00
Enlarging dynamo room and new unit .....	5,000.00
Brick smokestack .....	4,000.00
New 190 h. p. boiler .....	2,000.00
Books and periodicals .....	300.00
Contingent and repair .....	3,000.00
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	\$ 19,300.00

## SOLDIERS' HOME, MARSHALLTOWN.

Contingent and repair .....	\$ 4,000.00
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## INDUSTRIAL SCHOOL FOR GIRLS, MITCHELLVILLE.

Contingent and repair .....	\$ 4,000.00
Chaplain .....	250.00
Improvement water supply .....	2,000.00
Dental and oculist work .....	1,000.00
Books, periodicals and binding .....	300.00
Orchestral instruments and supplies .....	150.00
Transportation of girls .....	200.00
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	\$ 7,900.00

## MT. PLEASANT STATE HOSPITAL.

General repairs and contingent .....	\$ 18,000.00
Furniture and furnishings for wards .....	3,000.00
Hospital switch .....	30,000.00
Sewage disposal plant .....	10,000.00
Additional radiation .....	1,000.00
Painting .....	2,500.00
Stokers .....	7,000.00
Drain tile and fences .....	2,000.00
New floors .....	1,000.00
Fire escapes .....	450.00
Books, periodicals and binding .....	500.00
Wire guards and railing to porches and stairs of women's infirmary .....	500.00
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	\$ 75,950.00

Stock, horses and wagons .....	3,000.00
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	\$ 78,950.00

## STATE SANATORIUM, OAKDALE.

Brick coal house .....	\$ 1,500.00
Books and periodicals .....	250.00
Lectures and amusements .....	200.00
Contingent and repair .....	3,000.00
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	\$ 4,950.00
Total asked for all institutions for all purposes .....	\$327,170.00



# AMENDMENTS TO THE LAW AS TO STATE BOARD OF EDUCATION.

When the law creating the Board of Control was enacted the office of treasurer of each one of the institutions placed under its management was abolished and all moneys, books, etc., ordered to be turned in to the State Treasurer and all moneys thereafter derived from any source accounted for and remitted to him monthly and all funds and all bills payable thereafter drawn directly from the State Treasury. There was opposition to this, of course, but time has demonstrated that it was a wise provision. When the law creating the State Board of Education was passed, for prudential reasons existing just at the time, the same thing was not to the same extent done as to the institutions passing under its management, but the Board was empowered to elect a treasurer for each one of the institutions. Not one word of criticism has ever been heard as to any one selected by the Board for treasurer at any one of the institutions or of his administration of his office. On the contrary, there has been universal approval. Many, however, believe that the funds of the educational institutions should be handled and administered exactly as the funds of the institutions under the Board of Control. Instead of four treasurers for the four institutions there should be but one and properly the State Treasurer that one. The accounts of the institutions should be kept substantially and so far as applicable with each institution as with the institutions under the Board of Control. For full information and by way of suggestion I call your attention to sections 13, 15, 16, 17, 37, 38, 39, 41 and 42 of Chapter 118 of the Acts of the 27th General Assembly, to the end that you may examine into the question as to whether the law should be so amended as to incorporate like provisions in the law creating the State Board of Education. Experience has taught that the law creating the Board of Control and the methods therein provided for the administration of it were conceived in great wisdom.

Under present methods the State loses the interest that would accrue to it upon the large sums of money that might be held by the treasury as balances thereof from time to time. This should go to the State rather than elsewhere. This consideration alone would be a sufficient reason for your attention to this subject.

In this connection I desire to suggest for your consideration whether or not it would not be wise for the law to make somewhat similar provisions as to the State Highway Commission. This com-

mission is the only one in the State that audits its own bills. Should they not be passed upon by some competent Board or Council and should not bills be paid directly from the State Treasury? It seems to me so. It hardly seems to me that it is wise that large sums can be drawn in lump amounts to be disbursed at pleasure. It must be understood that there is no criticism on the commission, but the question is are the present provisions or want of provisions of the law in this respect wise?

## USE OF UNEXPENDED BALANCE OF APPROPRIATIONS.

It is frequently the case that not all of an appropriation is needed for the purpose designated. Sometimes there is a surplus of several thousand dollars. Under the law as it now is this unexpended balance in many cases is not covered back into the treasury, but is used at the institution where the original expenditure was made for such purpose as the Board or Commission may please. It seems to me this ought not to be so. It is not "good business." It is a careless management of public funds. I recommend that you provide that all unexpended balances of appropriations be at once and hereafter covered back into the treasury.

## COLLATERAL INHERITANCE TAX.

The law with reference to the collection of the collateral inheritance tax has, up to this time, been administered from the State Treasurer's office and by him. Many very difficult legal questions are constantly arising. The business in connection with the administration of the law is constantly increasing. During the biennium ending June 30, 1908, 905 estates paid the tax in the sum of \$341,000.00. The last biennium, 1,270 estates paid \$637,000.00. It is apparent that this volume of business requires very much and very careful attention, the cases extending as they do into very many counties of the State. The Treasurer feels that it is very likely that much is lost to the State, because of the impossibility of giving it the close attention from his office that the importance of the business demands. Besides, it is necessarily work that should be in the hands of one trained in the law. You are asked to carefully inquire into this condition and provide for its relief.

## REFORM OF COURT PROCEDURE.

Two years ago I submitted some suggestions and recommendations on the question of some reform in our court procedure. But one of them was adopted, with some qualification, namely, that all



exceptions to instructions should be taken before they are read to the jury. This does not at all deter me from referring to the same subject again. Reforms sometimes move slowly. It is often hard to up-root old practices and old forms and methods that have become woven into the life of the people although the original reasons for their adoption have long since ceased to exist.

The administration of the law in our courts is, as everybody knows, slow, uncertain and unreasonably expensive. The weak financially are not upon an equal footing with the strong because of our practice procedure. There is not equality before the law at all. When one starts in upon a suit at law there is absolutely no telling where or when it will end. The weak in purse may indeed fall by the way, powerless to proceed, his rights unadjusted or not even substantial justice achieved. If he gets through at all it may be by a long, weary way from one court to another and back and forth again and again. He learns the way and finds that toll is exacted at every step. And it is all because of errors, whether they are substantial and affect the very right of the parties or not. There is always the presumption, when the error is found, that it was prejudicial. It does not make any difference how conclusively and abidingly satisfied the Supreme Court may be that the judgment on the whole case was right, yet prejudice is presumed because of the error, the case is reversed and back it goes for a re-trial. It is upon the theory that it cannot be known what the jury might have done if the error had not been made. So, notwithstanding the conviction that the verdict was right, it goes back to take the chance of some other error being committed and another jury bringing in a verdict that is wrong. While courts are fallible and very liable to err the jury is practically infallible, their verdict almost unimpeachable and establishes the fate of the litigants as firmly and immovably as the rocks of Gibraltar.

Aside from chancery cases the Supreme Court is a court for correction of errors. As errors are always presumed to be prejudicial, the astute lawyer often makes every effort to "get error into the record." If he can succeed and the result of the trial is not to his liking he can appeal with every presumption in his favor. The error is presumed to be prejudicial to his client. It may be, but it ought not to be conclusively presumed so. The contest in the appellate court centers around the question as to whether or not there was error and the substantial rights of the parties may not be involved at all. When you get at the bottom fact about the matter

the rule under consideration does not require of the trial court justice but infallibility. This whole thing appears to me to be wrong. If the court on the whole case is satisfied that the judgment is just, the one that ought to have been rendered, they ought to let it alone notwithstanding the error, and litigation should end. "Matters of practice ought not to be exalted above matters of substance." This course we pursue inevitably results in inefficiency of legal administration. It brings about disregard of the law and contempt for it among all classes of people. Convictions in criminal cases are nullified because of presumed prejudice on account of error. This General Assembly ought not to adjourn until it has enacted a law providing in substance that no judgment shall be set aside or reversed or new trial granted on account of error of the court or error in any matter of pleading or procedure unless it shall appear on the whole case that the error complained of has injuriously affected the substantial rights of the parties.

The time sometimes taken for the selection of a jury is the cause of delay, useless expense, absurd, farcical. The grounds of challenge for cause are given by statute. A few questions in a few minutes are sufficient to determine a juror's qualifications and the court should be given authority to control and limit the examination, or, better still, he should have the authority to examine and pass upon the qualifications of jurors for the trial of the cause.

I again repeat what I said two years ago, that the time for taking appeals should be greatly shortened. I see no reason why the law should make the procedure of a cause through the courts interminable.

The law forbidding counsel to comment on the fact that the defendant in a criminal case declines to become a witness in his own behalf and give such explanation as he can of the facts produced tending to establish his guilt should be repealed. It is entirely just to him to suppose that if he could explain he would do so.

While I am speaking of laws and what it seems to me ought to be done I desire to say just a word about the law enacted by the last General Assembly providing for the non-partisan nomination and election of Judges. I believe it ought to be repealed.

#### TREATMENT OF CRIMINALS.

To my mind our method of treatment of those convicted of many of the crimes under our statute has been absurd and without justification from the standpoint of either the convicted man or the State. I am aware that there are wide differences of opinion upon

the question of the treatment of those who have violated the criminal law. There never ought to be such a thing as even a thought of punishment as a retribution. Yet there is, when you get to the center of our theory of punishment, that thought running through it. The thought of punishment as a deterrent to others, I think, is a thing to be dismissed also because the experience of the world has shown that it does not deter—that the proportion of crimes to population does not decrease but rather increases. Then there is something of the avenging spirit underlying the thought. In some cases, it seems to me, the sentence of the law is out of all proportion to the gravity of the offense. And, as an ultimate question, what good can come, in very many cases, to either the culprit or to society, by a commitment to a jail or the penitentiary? How many scores of cases does every man know of as coming under his own observation, where not only no good came to either but a positive harm to both. I cannot view it in any other way than that every man ought to see the absurdity, the uselessness, the wrong done both to the prisoner and to society, in leading a young man, and older ones as well, first offenders, off and shutting them up in a jail or a penitentiary.

Perhaps in an hour of temptation, or under stress of circumstances, as inability to get work and little children and wife cold and hungry, they have committed an infraction of the law. What hope or chance is there for a man in a jail or a penitentiary? I am not now speaking of the habitual criminal, the outlaw, the man dangerous to be at large, but I am speaking of the large number of men whom we daily see walking out of our court rooms destined to imprisonment. Taken from their families, perhaps, who need every possible help they can give them, inflicting a wrong upon them personally and upon society as well by removing them from contributing members of society to helpless dependents and burdens to the State.

Our criminal court procedure and methods are uselessly expensive, but I sometimes feel that there is little hope of relief to society there as all appeals for reform have heretofore been in vain. The burden of expense to the people in feeding, clothing and warming prisoners and maintaining penitentiaries and reformatories is very great. Well, some one may ask, what will you do with them? I should say that at any rate as to the class of men I am now speaking of I would not continue a worn out, medieval method that the experience of centuries has demonstrated is an utter failure in help-

ing or reforming men, a dismal failure in deterring or reducing crime. I should enlarge the right and impose upon the Judge the duty to parole men upon conditions of good citizenship, to express it in a general way, and upon condition that the wrong done be righted so far as possible. I would restore these men to their families and to society to support themselves and their families rather than inflict suffering upon innocent and helpless women and children and the burden of supporting them all upon the State. We can do much better than that, and do it, too, without making them hate the State or changing them into enemies of society. Is this idea of the brotherhood of man a farce or not? Is helpfulness a fine thing to be talked about and never to be seen in action? Ought not the State to have a moral sense? Ought it not to have a conscience? Go, right the wrong you have done, restore any loss you may have occasioned, pay the costs you have occasioned your fellow citizens, take your place in society, go to work, support yourself and your family if you have one and if you will and be faithful in these things your sentence will be suspended for such length of time as it may take to satisfy the court that you are a well-disposed law-abiding man. There would be your reformatory in action and without vast machinery and expense. Clothe the courts with this power to be used in their sound discretion after a full knowledge of the case and of the man and with the power of final discharge when satisfied the man merits it. If at any time after suspension he proves unworthy let the sentence be executed and let him understand that it will be. This course would save much time to the courts and costs to the people in lessening the number of expensive trials. And can any good reason be given why this thing should not be done at once rather than after several years by the Board of Parole and after a large amount of expense, constantly accumulating, is incurred, and after the wrong has been inflicted by the State upon women and children and especially since centuries of experience has demonstrated that jails and penitentiaries do no good except in keeping the vicious, the habitually bad man, the enemy to good order, from preying on society? Of such characters you will understand I am not speaking. The only reason that can be given is that society must be avenged. There must be retribution. Punish the man one, two, three years, then let the Board of Parole do what the judge should have power to do at once if you really want to do the man any good. But the theory is to do him and his family and society all the harm you can first.



From what I have already said it follows that I am in favor of the custodial farm. Certain classes of violators of the criminal law should be put to work. Judges should be empowered to commit to the Farm when we have reached such a point that it can be done. The law should define what classes should be sent there and generally provide for the administration of it. You should make such provisions at this session. The jails, as I think, should be largely depopulated for service on the Farm. Every man who can be safely trusted out of jail or penitentiary ought to be a worker, a producer, and not simply a leech upon the honest efforts of his fellow men.

As many men as possible from the penitentiary and reformatory ought to be given work upon our public highways, especially since the State has entered upon the policy of permanent road improvement. The experiments made in this direction have been very satisfactory, indeed. The brief experience the State has had in allowing a few men from the penitentiary and reformatory to work out side has resulted in a profit over all expenses of \$19,773.10 to the State and earnings to the men of about \$7,000.00. The State has turned its face toward the more modern and enlightened method of dealing with criminals and the whole subject is one that ought to have your most careful consideration. Some considerable expense must necessarily be incurred in the beginning but ultimately the methods proposed will, as I believe, reduce cost to the State. The abolishment of the contract labor system is looked upon, I think, with general favor. But men must be kept at work and it will therefore be necessary that you provide by legislation some method or provide such industries as will supply the need. This can be done by the millage tax already referred to.

#### PARDONS AND PAROLES.

In a pamphlet separate from this message which I make a part hereof by reference I have reported in full all cases of remission of fines and forfeitures and of commutations, revocations, restorations, suspensions and pardons granted, with the reasons therefor.

Summarizing the report:

I have referred to the Board of Parole for investigation and recommendation upon the question of granting a pardon nine cases of life men for murder in the first degree. In each case they reported adversely to granting a pardon. I have granted a pardon in one such case.

I have granted fifty-one suspensions upon the recommendation of the Board and fifty-nine from county jails.

I have restored to citizenship from parole 53 and upon the recommendation of the Board 224. There have been one revocation, forty-nine commutations and twenty-four remissions of fines and forfeitures.

#### THE ROAD LAW.

The road law passed by the last legislature has been rapidly growing in the favor of the people within the last year. For the first time in the history of the State has real, permanent progress in road repair and road making been realized. The outlook for the future is very encouraging, indeed. It may be found necessary at this session to amend it in some minor particulars to make it more flexible and workable but only in such features of it as experience has proved necessary. The essential principles and provisions of it have been found to be right and the solid foundations for good roads in Iowa, and ought to remain.

There are localities in the State where the question of hard surfaced roads is engaging the attention of the people to a greater degree perhaps than in others. There are also places where the improvement of the roads involves the cutting down of hills at an unusual and exceptional expense. In order that this expense may be met and the improvement made and in order that the work of hard-surfacing roads may be undertaken at once it has been suggested that you may make provision that counties may anticipate by a majority vote their road revenues by issuing bonds. I deem the suggestion a very good one and recommend that you make such provision. It would be entirely optional with each county—a majority vote of the people authorizing it.

In some States the law has provided for special assessment road improvement districts somewhat after the analogy of our special assessment drainage districts. I believe it would be wise and would encourage the building of the best and most permanent roads if you would authorize the establishment of special assessment road districts. Provision could and should be made for a portion of the cost to be paid by the public, a portion by those whose property would be specially benefited—each property paying in proportion to the benefits received—taking into consideration the enhancement of its value, its location with reference to the improved road, all the elements of convenience, easy access to markets and such like. Here again this would be entirely optional with the people to be included in the district—the method of establishing to be carefully worked out by the law. There is nothing new in any of these suggestions.

They are only in line with the progressive up-to-date spirit of the times that wants to lift these States out of the mud, greatly enhance the value of the lands, save enormous sums of money in making markets easily and quickly accessible at all times and especially when prices are best. I am advised by one who has made careful study of the question that there are only two States in the Union besides our own which do not provide for bond issues for the construction of permanent roads. Such portions of our state as cheerfully and enthusiastically avail themselves of the provisions of our road laws will rapidly forge ahead in wealth and community development. The last two years has already made this apparent. The next few years will make it more strikingly and astonishingly so. It is easy for a community to acquire the reputation of facing backwards, of always being against but never for anything. Capital never goes there. It soon becomes a melancholy reminder of the quaint, sleepy, old days of an almost forgotten past and a fine place to go for dreamy, undisturbed rest and repose.

#### PUBLIC HEALTH.

There is no matter of greater public importance than the health of the people. To wait the appearance of the epidemic or scourge is always disastrous. When the work of constructing the Panama Canal was to be undertaken the thing regarded as of first and paramount importance was to convert the disease breeding surroundings into healthful conditions. To remove the cause of contagion is the part of wisdom. The sanitary engineer, the creation of healthful conditions, are the demands of the medical and sanitary science of the present. Many of the cities and towns of Iowa by constantly turning filth and pollution into the streams and rivers are transforming them into sources of disease, indeed, making of them an actual menace to the health of the people. This condition will continually grow worse unless a remedy is provided. It is a subject worthy of your instant and most careful consideration. Enforceable provision for sewage disposal which would protect our streams from pollution and the health and lives of the people ought to be provided.

#### CONSTITUTIONAL AMENDMENTS.

The 35th General Assembly adopted and referred to you a resolution proposing an amendment to the constitution authorizing the taxation for State revenue purposes only, such classes of property as may be deemed proper by the legislature. This is a very im-

portant and most salutary proposition and ought, by all means, in my judgment, to be agreed to by you to the end that it may be submitted to the people at the election in 1916. If the constitution were amended as proposed it would go far toward making a solution of some of our tax problems and removing much of the dissatisfaction that now exists on account of the practical working of our tax laws. If, for instance, our State revenue were derived entirely from the taxation of railway properties, transportation, equipment, telegraph, telephone and public utility companies in general, then local assessments of valuations and levies would have nothing to do with State revenue, pay no tax for said purpose. The incentive for low assessments to avoid the payment of State taxes would be removed. There would be an incentive to assessments at fair actual values and low rates. This would be a very great advantage to the State in its standing away from home. I think I may safely say to you that political economists who have given the subject of taxation the most thought and deepest study agree in recommending the proposition suggested.

Another constitutional amendment proposed by the last General Assembly was that favoring woman suffrage. Twice the republican party has adopted a plank in its platform declaring in its favor. The progressive party made a similar declaration. The proposed amendment ought to be agreed to by you so that this long debated question may be submitted at the next general election.

#### MEANDERED LAKES AND LAKE BEDS.

Among all the multitudinous duties imposed by the law upon the Executive Council none are more difficult of fulfillment than those with reference to what are called the lakes and lake beds of the State. There are constant appeals for the drainage of some of these lake beds. There is just as constant opposition to it. There is a constant demand for the preservation of the lakes. I do not think there is a man in Iowa who would drain or destroy one of them. The republican party in one of its planks demanded at its last convention that the lakes be preserved. The difficulty arises with reference to lakes which were meandered by the original government survey, but which, as some insist, have degenerated into swamps and marshes or practically filled with vegetable growth and no longer have any of the characteristics of a lake. Some of our most public spirited and progressive citizens urge that these should be preserved and "improved" as authorized by the law by dredg-



ing. This has seemed to the Council as utterly impracticable as well as being entirely prohibited by the cost. The Council ought not to be charged with the duty and responsibility of settling the controversy, indeed, they cannot settle it. This General Assembly ought not to adjourn without enacting definite, specific legislation touching this question. I urgently recommend that there be appointed a commission from your membership, or better, perhaps, from citizens not holding any public office, to examine such lake beds and all of them and report definitely and fully to you the condition of each one of them to the end that there may be definite legislative disposition of each such lake bed. Or, if this fails of approval, and it is still thought that the Council should be charged with any duty with reference to them, that the law be so amended as to authorize and direct it to survey and drain, or sell, or drain and sell, or drain and retain for the State only such meandered lake beds as no longer contain lakes but have become swamps or marshes or filled with vegetable growth and lost the distinguishing characteristics of lakes as being permanent bodies of water. The legislation should be specific as to the very lake beds to which it shall apply and should dispose of and settle the lake question.

The law also provides that where there is a sale of a lake bed under its provisions the proceeds thereof must be transmitted by the State Treasurer to the county treasurer in the county where the lake bed was situated and that it shall there be placed to the credit of the county road fund to be expended by the Board of Supervisors in the same manner as other road funds. This, it seems to me, is plainly wrong. The lake beds belong to the people of the State—to the State—and the proceeds of any such sales ought to go into the general fund of the State for the broader benefit of all the people. What belongs to all of the people should not have local expenditure only. The statute should be so amended.

We are entering upon the policy of establishing custodial farms. Some of these old lake beds contain from three to nine hundred acres of land. If the legislature orders them, or any of them drained, the land thus reclaimed should be kept by the State and some, perhaps, used in the future for such farms. It is not good business to pay probably \$200.00 an acre for land when the State has land that could be put in cultivation for half that sum and, if properly located, utilized as such a farm. Besides, it would seem that the labor of prisoners could be used in tiling the land.

#### APPROPRIATION FOR GETTYSBURG DEFICIT.

The last General Assembly made an appropriation of \$10,000.00 "for the purpose of enabling the State to assist in the celebration upon the battlefield of the fiftieth anniversary of the battle of Gettysburg." It soon became apparent that this amount would not be sufficient to pay the expenses of the surviving participants in that great conflict who desired to attend. In this emergency Hon. Lafayette Young, a public spirited citizen of Des Moines, Editor of the Des Moines Capital, began a campaign through his paper to raise additional funds by public subscription and raised \$3,338.00. It transpiring that there were not as many eligible under the provisions of the law as was at first supposed only \$1,278.94 of said amount raised was used.

As directed by the statute the commission appointed to carry out its provisions reported fully and satisfactorily and requested that you be recommended to make an appropriation of \$1,278.94 to cover the deficit in the original appropriation and to the end that the amount used from each donation be returned to the donor, the amount not used having already been returned. With the request of the commission I am glad to comply.

#### CELEBRATION OF NEGRO FREEDOM.

There is to be held in the city of Chicago, Illinois, during this year an Exposition celebrating the Half-Century Anniversary of Negro Freedom. The State of Illinois at the last session of its legislature made an appropriation of \$25,000 in behalf of this Exposition which it was then supposed, as I am advised, would be confined simply to that State. Since then it has been decided to make it national in its scope for the purpose of showing the progress the race has made in this country since its emancipation. Iowa and many other States have appointed commissions to co-operate with the Illinois commission in making this celebration general and a success. Not in all the history of the world has any other people under circumstances at all to be compared with the condition of the negro in America fifty years ago made the progress he has made in that time. Emerging from slavery almost helpless, penniless, homeless, ignorant, they now, about ten millions of them, are taxed on a billion dollars worth of property, thousands of them have good homes, illiteracy is reduced from a total to thirty-five per cent, many of them are succeeding in very many lines of business, professional and otherwise, and large numbers of them are excellent citizens.

The negro in the United States wants to take note of the progress he has made, to show what he has done, in the only years he has ever had a chance and to take counsel and encouragement for the future. The record is a proud one and he ought to be encouraged. There are fifteen thousand negro residents of Iowa, I am told. They will ask a small appropriation for the purpose named. If you find there is a proper organization for a proper and judicious expenditure of the money I think you ought to give it. Iowa can afford to be thus helpful to a race only so recently held under the bondage of slavery and ignorance.

#### PANAMA-PACIFIC EXPOSITION.

The 35th General Assembly failed to make an appropriation to enable the State to participate in the Panama-Pacific Exposition at San Francisco which will open on the 20th of February. Some of the public spirited men of the State, believing it would be a great mistake to fail of representation there, took up the question in behalf of what they conceived would be of great advantage to the State as over against its great disadvantage in having neither name nor place at the meeting point of the world to recount the progress of humanity and gather hope, encouragement and inspiration for the future. The good that would ultimately come to the State—having as she does all the advantages of location and natural resources that have ever throughout the world's history made for human greatness, in taking her place side by side with the other great sovereignties of our own country and of the world, they believed would justify sacrifice of time, effort and money on their part. Animated with this spirit and with faith in the people some of them, on behalf of the whole, journeyed to San Francisco and selected and dedicated a site for an Iowa building. Returning to the State they took up the matter of raising funds for the construction of the building and for the general purposes of a creditable exhibit for the State. Their visit to the leading cities of the State by a special train in this behalf is a fact familiar to all. The expense of this train and the trip to the coast and all incidental expenses were paid by themselves and their time given as well. Prominent men in the cities visited pledged their assistance and upon these pledges the committee pledged their credit by promissory note to the amount of many thousand dollars. It may be said, I think, that these men believed that the people of Iowa would approve and respond through the 36th General As-

sembly, although, so far as I know, it was not at that time asked that that should be done. Since that time the Executive Committee have given of their time and their money in carrying on the work thus so hopefully and courageously undertaken. They have taken charge of the work and constructed a beautiful and commodious building upon the site selected at a cost of \$30,000.00. It compares very favorably with the buildings erected by thirty-eight other States. The work of preparing an exhibit for the State in all of her interests, agriculture, horticulture, manufacturing, animal industry, indeed, in every way, is going on under the guidance and management of these same men. They believe that for the building and for making an exhibit creditable to the State and for the expenses (not including the personal expenses I have mentioned) incident to so great an enterprise there ought to be made by you an adequate appropriation. I agree with them. The good that will come to Iowa from her representation and the exhibit she will make in my judgment will far surpass in value the appropriation. I recommend that you grant it.

#### MEDICAL DEPARTMENT IN STATE LIBRARY.

The State Library has been extended so as to cover practically every field of library activity, professional and otherwise. The one notable exception is in the medical field. The State Medical Society in conjunction with the State Library Board will ask you for a small amount as a book fund and also that you provide the State Library with a medical assistant who should be a man "educated in medicine and surgery and familiar with the language in which the literature of his profession finds expression." I can see no good reason why this great profession as well as the profession of the law should not be represented by a well equipped department in the library. Indeed, I should think the library incomplete so long as it is wanting in this great field of human knowledge, investigation and rapid development. I hope you will give the Medical Society and the Library Board sympathetic hearing and grant their request.

#### REORGANIZATION OF THE STATE GOVERNMENT.

The committee on retrenchment and reform has submitted a report which, if acted upon favorably, involves a reorganization of the state government. I shall not enter upon a discussion of it. It involves questions of great interest and a discussion of them would discover, I doubt not, very conflicting views. Inasmuch as it pro-



poses practically an entire change in the governor's office with relation to the state government I think, perhaps, it would be in better taste if I should pass it with only a suggestion. It proposes to make the governor the responsible head of all of the departments of the state government, responsible for the service and efficiency of every man throughout the entire organization, or practically so. That would be little, if any, change from the situation as it now exists for I have already discovered in my experience that the governor is held responsible for everything that is done or happens without being clothed with the powers the re-organization proposes. I don't see why two or three years should be squandered in fixing up the constitution so they can get at him. That would be a work of supererogation. They go straight at him anyhow. At any rate that has been my observation.

#### FOUR YEAR TERM FOR GOVERNOR.

But seriously, while there is talk about reorganizing the government, I want to say I am thoroughly convinced, both from observation and my own experience, that it would be far more satisfactory to the people and far better service could be rendered them if the governor were elected for a term of four years rather than two and made ineligible to another successive term. As it is, he enters upon his first term with the incoming of a general assembly. That ought not to be so, but I will not discuss that question. Soon, if not immediately, after the adjournment of the legislature, if the experience of recent years is to be taken as a precedent, and in view of our primary system of nominating candidates, he must begin preparations for and eventually enter upon a long speaking campaign for a renomination. Securing it he must practically continue his campaign for re-election. He must do these things or ignominiously and pusillanimously sometimes surrender all that he stood for and abandon all that he hoped to accomplish in the way of public service. All this constantly distracts his mind from his public duties, prevents him from giving himself wholly and unreservedly to the study of public affairs as they relate to the welfare of the people—prevents him from devoting all his energies to the public good. It all seriously affects his efficiency as a public servant.

If, also, he should be a timid soul, thinking more of office than of public duty, and afraid of his fellow-citizens rather than challenging them to things that make for human betterment he might move softly, gently, whisperingly through a first term in the hope

of no antagonism for a second. During a second term he might become courageous when there was no enemy in view and nobody could get at him and might really accomplish something. But the first term would be lost. Whatever type of man he might be a four year term and ineligibility to a second consecutive term would enable him at once and continually for four years to concentrate all of his energies upon his duties as a public servant, studying the business of the state, the needs of the state in all her diversified interests with nothing "to molest or make him afraid."

Another potent reason for a four year term lies in the fact that two years only enables one to become thoroughly acquainted with the business of the state and reach his best efficiency and especially so if he is compelled to give himself to two campaigns in the meantime. Strong, efficient service could be better rendered in my judgment by a four year term. I invite you to consider this matter and the necessary change in the constitution.

#### REDUCTION OF MEMBERSHIP IN THE GENERAL ASSEMBLY.

I have long been of the opinion that legislative bodies in this country are too large for the best, most careful and most satisfactory work. This opinion has ripened into a conviction. If our house of representatives were reduced from 108 to 50 and our senate to twenty-five I believe any observing, thoughtful man, especially if he had had actual experience in legislation, would agree with this view. Legislation could and would receive much more careful and critical study. It would be much more thorough, concise, clear, mature. It would be far less voluminous. Our legislature would become in fact a deliberative body. There would be better quality of debate. There would be better behavior of members. Numbers obstruct deliberation. A large number involves confusion and prevents concentration of thought and effort. The principle is not recognized anywhere else among men than in law-making assemblies. It would not be recognized anywhere else where really great things are to be done in a really great and efficient way. I am convinced that fifty men in the house could and would produce better results than one hundred and eight and that twenty-five men in the senate would be more efficient than the fifty whether in the senate or house.

I believe, too, that upon the whole such a change would result in securing better fitted, abler and more experienced men for legislators. The work would be more inviting, give, as it seems to me,

better and wider opportunity for public service. It would elevate standards. Representative and senatorial districts would be enlarged, giving a greater responsibility and importance to the office. Judge Story, an eminent and perhaps the most profound American law writer, in his great work on *The Constitution* says:

"Higher qualifications will usually be sought and required where the representatives are few than where they are many. And there will be a higher ambition to serve where the smallness of the number creates a desirable distinction than where it is shared with many and, of course, individual importance diminished."

Again, while still considering this subject he says, "Let the Federalist speak in its own fearless and expressive language" and quotes from it the words of James Madison, always profoundly wise, as follows: "In all legislative assemblies, the greater the number composing them may be, the fewer will the men be who will, in fact, direct their proceedings. In the first place, the more numerous any assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason." In the next place, the larger the number, the greater will be the proportion of members of limited information and weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator or an artful statesman was generally seen to rule with as complete a sway as if a scepter had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. The people can never err more than in supposing that in multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purpose of safety, of local information, and of diffusive sympathy, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed." If the measure of the number required should, as he says, only be sufficient to secure "safety, local information and diffusive sympathy," not a large number would be re-

quired in Iowa. Her interests throughout her borders are practically the same. Any intelligent, well informed man fully understands them. A very moderate number of men from different sections would bring full information as to her needs and there would be perfect accord sympathetically. As it is, the wonderfully diversified interests of a vast territory, not fully understood in any particular section, and extending over forty-eight states, only has one representative to every 210,415 of population, while Iowa, every part of which is intimately known by every other part, has in her legislature one member to about 15,000 of her population. No basis of reasoning upon the proper number for a legislative body has ever justified this.

Again, responsibility diminishes as members increase. The dominant thought of the present is that responsibility in public affairs should be capable of actual, definite location and that the best results cannot be attained otherwise. This reasoning has just as much force as elsewhere when applied to a legislative body. But there can be no satisfactory fixing of responsibility where the body is unreasonably large and unwieldy. Where everybody is responsible for a given action or result, nobody is responsible.

A matter of smaller consideration, and yet a thing to be considered, is the reduction of the expense of a session by, doubtless, one hundred thousand dollars,—a half million dollars in five sessions.

If these considerations are by you deemed of enough importance to submit to the people the question of an amendment to the constitution you should pass the necessary resolution looking to that end.

#### COST OF A LEGISLATIVE SESSION.

I have just made reference to a consideration of the cost of a session of the legislature. I think it not improper for me to say more. Based upon experience in the past it is estimated this session will cost \$218,125.00. Of this amount \$163,500 will be paid as salaries and mileage to the members and the lieutenant governor. The balance of \$54,625.00 will be paid for supplies and "help." I think a fair estimate for supplies and sundry expenses would be \$4,625.00, leaving \$50,000.00 or \$500.00 per day for a hundred day session for "help."—meaning "extra help," clerks, door-keepers etc. Some of this is absolutely essential, of course, but much of it is pure, unadulterated "graft." As president of the senate in the Thirty-third General Assembly I said to the senate: "Public



money is taken from the people for a public purpose only and it is intolerable that it should be used for petty graft or turned over even in small sums to persons who have rendered no equivalent of service in return. No young man or woman should be taught to feel that the state is an institution upon which it is permissible to work a graft, and no old man should be allowed to do it. Such a course cheapens the public service, dishonors the men engaged in it, and lowers the ideal of public life. It does not beget respect for public officials or for the state as an institution for the administration of government or for law; it cannot be to our credit, Senators, that doorkeepers doze in these galleries for one hundred days at the public expense, the doors not opening a half a dozen days during the session, except to permit their entrance. On occasion of need men called from the extra help about the Capitol could be stationed there. A dozen doorkeepers are used in the two houses where none at all are needed. Every man of legislative experience knows that many more committee clerks and other clerks are employed than are needed. Every senator and representative knows of clerks sitting around these chambers in luxurious ease from one end of the session to the other, doing practically nothing at all, and every senator and representative knows that such a thing should fall under his condemnation."

I was criticised then for saying these things. It was said to be "small and picaresque." Both the principle of the thing and the money are involved and what I said then I say again with emphasis. It is reprehensible and indefensible. The Thirty-sixth General Assembly ought to organize along different lines.

#### THE BEEKEEPERS.

The bee-keepers of the state, I am advised by the state inspector, suggest that their bees ought to be taxed. I think perhaps that never before in all the world's history since the days when they went up to Jerusalem to be taxed, and that was involuntary, has it been recorded that men suggested to the government, "Here am I, tax me." "Ten stands of bees" are now exempt from taxation. Many apiarists own many more than this but only one or two have been found who say the assessors would list them. They say that by listing bees for taxation a million dollars of assessed valuation will be added. I suggest in view of all this that you repeal the bee exemption. The bee-keeping industry in its value to the state is already surprising, although it is not developed to any great extent.

In his report the inspector says "it is capable of sustaining many thousands of people in comfort and adding millions of dollars to the resources of the commonwealth." The bee-keepers will ask of you a little additional appropriation and in view of the spirit in which they come to you and the possibilities of the industry, which have been amply demonstrated, I recommend that you grant it.

#### LEGISLATIVE COMMITTEES.

A legislative committee has taken the place in the mind of many as being something more powerful than the body which creates it. This, of course, is absurd unless the body has surrendered its authority by rules. Primarily a committee cannot control its creator. The legislative body never loses control over a bill or one of its committees. It may by vote sustain or defeat a committee, it is true, but the supreme authority is still there. We hear of such things as a bill being "lost in a committee" or "smothered in a committee." This need not be unless it is what is wanted by a majority of the house or senate. This all creates a prejudice and distrust of the law-making body. The committee takes on something of secrecy and every member of it is lost as to publicity and responsibility because nobody knows who was there or what was done or how it was done or who did it. This should not be so. A committee should be required to keep a full and exact record of every meeting. It should show who was there. If there was a hearing it should show who was heard and in what behalf. It should show the vote of every member upon every question voted upon and this whole record should accompany every bill coming from a committee and should also be made up into a permanent record of the committee's work for the session. The whispering secretive days—the days of dodging and gliding through the devious ways of dark back alleys are over. I venture to suggest the adoption of such a rule by you and that you make such procedure in committee statutory.

#### HABIT-FORMING DRUGS.

Nothing can be more ruinous than the use of habit-forming drugs. I need do nothing more than suggest their deleterious effect upon health, morals, intellect, character. Nothing can possibly be more reprehensible than the sale of them. No denunciation of the sale of them can be too severe. Strengthen the law, if you can, so as to effectually get at the evil. Make the possession presumptive

evidence of intent to sell. Provide, as the attorney-general has suggested, a remedy by injunction. Make the place where the drugs are sold or kept for sale in violation of law a nuisance and abate it as in the case of liquor nuisances.

#### THE SHORT BALLOT.

I discussed the short ballot question in my inaugural address two years ago and the Thirty-fifth General Assembly made some progress in that direction. The question is one of even greater interest than it was then. It will continue to thrust itself to the front until there is some change that will be an adoption of the short ballot principle which is: "When you want representation, elect. When you want administration, appoint." That is all there is to it and the application of the principle solves the problem. Under our present methods everybody knows there is no such thing, and cannot be, as an intelligent selection of at least half of our public officials. But I will not re-discuss the question. It ought to have your most earnest and careful attention. I might, however, suggest that certainly the office of railroad commissioner ought to be made appointive.

#### PUBLIC UTILITIES BILL.

Neither will I re-discuss the question of public utilities. I also discussed that question two years ago and I now re-iterate all I then said and also refer you to what I then said on the question of

#### COUNTY MANAGEMENT.

I thoroughly believe that you ought to so change the law as to permit the appointment or employment of a manager of the business affairs of the county—one who will give his whole time to the duties of his office. Many thousands of dollars could be saved. What is said here applies as well to towns and cities. By your permission I refer you to what I heretofore said on this subject.

#### CONCLUSION.

I have presented these different subjects for your consideration only in a suggestive way and left the consideration of them exhaustively to you, if, perchance, you may consider them of sufficient moment to engage your serious attention, as I hope you may. I am sure your final judgment and action will be right and with this confidence I submit them.

## INAUGURAL ADDRESS

OF

# GEORGE W. CLARKE

GOVERNOR OF THE STATE OF IOWA

DELIVERED JANUARY 14, 1915

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